

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DORLIAK DMIRTRI DIMRIEVITCH,

Plaintiff,

-against-

1:04-CV-621
(LEK/DRH)

LESLIE GERBER, individually and d/b/a
PARNASSUS RECORDS

Defendants.

DECISION AND ORDER

Upon Defendants' Motion to Dismiss for Plaintiff's Failure to Comply With Discovery, dated April 12, 2005 (Dkt. No. 30), it is hereby

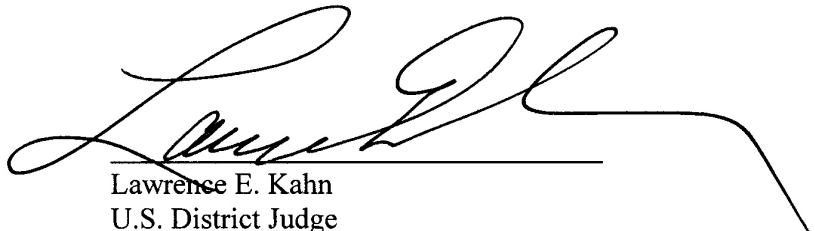
ORDERED that Defendants' Motion to Dismiss is **GRANTED** in its entirety; and it is further

ORDERED pursuant to Rule 37(b)(2)(C) of the Federal Rules of Civil Procedure, the Plaintiff's complaint is hereby **DISMISSED**, with prejudice, for Plaintiff's failure to appear for his deposition on or before May 1, 2005, and for Plaintiff's failure to serve response to Defendant's First Set of Interrogatories on or before April 1, 2005.

ORDERED that the Clerk of the Court shall serve copies of this order by regular mail upon the parties to this action.

IT IS SO ORDERED.

DATED: July 06, 2005
Albany, New York



Lawrence E. Kahn
U.S. District Judge